

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF UTAH

In re: DARCY RHAE JAIMEZ

Bankruptcy Number: 10-20773

NOTICE OF CHAPTER 13 TRUSTEE'S MOTION TO DISMISS AND NOTICE OF DEADLINE TO  
OBJECT AND TO SET OBJECTION FOR A HEARING

Objection Deadline: **May 16, 2011**

PLEASE TAKE NOTICE that the Chapter 13 Trustee has filed with the United States Bankruptcy Court for the District of Utah a motion to dismiss your bankruptcy case for failure to comply with the terms of the court's confirmation order. The specifics are set forth in the motion included herewith.

**YOUR RIGHTS MAY BE AFFECTED. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.**

If you do not want the Court to dismiss your Chapter 13 case, then you must take the following two (2) actions:

1. On or before **May 16, 2011** you or your lawyer must file with the Bankruptcy Court a written objection to the Trustee's motion to dismiss explaining why your bankruptcy case should not be dismissed. Your objection should be filed at:

United States Bankruptcy Court  
350 South Main Street, Room 301  
Salt Lake City, UT 84101

If you mail your objection to the Bankruptcy Court for filing, you must mail it early enough so that the Court will receive it on or before **May 16, 2011**. You must also mail a copy to the Chapter 13 Trustee at:

Office Chapter 13 Trustee  
405 South Main Street, Suite 600  
Salt Lake City, UT 84111

2. At the same time you file your objection, you must also contact the Bankruptcy Court to reserve a hearing date and time when your objection will be considered by the Bankruptcy Judge.

If you or your attorney do not take **both of these steps**, the Bankruptcy Court may decide that you do not oppose the Trustee's motion to dismiss and may enter an order granting that relief without further notice or hearing.

Kevin R. Anderson (4786)  
Jocelyn J. Rick (9508)  
Kellie K. Nielsen (11416)  
OFFICE OF THE CHAPTER 13 TRUSTEE  
405 South Main Street, Suite 600  
Salt Lake City, Utah 84111  
Telephone: (801) 596-2884  
Facsimile: (801) 596-2898  
Email: kratrusteemail@ch13kra.com

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION**

IN RE:  
DARCY RHAE JAIMEZ

Debtor

CASE NO: 10-20773

Chapter 13

JUDGE R. KIMBALL MOSIER

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**TRUSTEE'S MOTION TO DISMISS FOR FAILURE TO SUBMIT 2009 TAX REFUNDS**

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KEVIN R. ANDERSON, Standing Chapter 13 Trustee in the above-captioned case, hereby moves this Court for the entry of an Order dismissing this case due to the Debtors' failure to timely submit the 2009 tax refunds in the amount of **\$791.00** to the Trustee, as required by the confirmation order. In support thereof, the Trustee represents as follows:

1. Pursuant to the Confirmation Order, the Debtor is required by June 30th of each year to pay into the plan any amount of the combined state and federal tax refunds received in this year that exceeds \$1,000.00.
2. As of the date of this motion, the Debtor failed to comply with this requirement.
3. The Trustee may withdraw this Motion if he receives the required tax refunds by **May 16, 2011**.
4. If you fail to file with the Bankruptcy Court a written objection to this motion by **May 16, 2011**, fail to reserve a hearing date and time with the Bankruptcy Court, or fail to serve a copy of your objection on the Chapter 13 Trustee, such failure may result in the administrative dismissal of this case without further notice or hearing.
5. Sufficient notice of the resulting Order of Dismissal will be provided to all parties-in-interest pursuant to

Fed.R.Bankr.P. 2002(f).

WHEREFORE, the Trustee requests the dismissal of this case under 11 U.S.C. § 1307. Subject to a prior court order that any dismissal of this case will be with prejudice under 11 U.S.C. section 109(g), the dismissal may be without prejudice.

DATED: 04/21/2011

KRA /S/  
KEVIN R. ANDERSON  
CHAPTER 13 TRUSTEE

CERTIFICATE OF MAILING

The undersigned hereby certifies that true and correct copy of the foregoing Trustee's Motion to Dismiss was served upon all persons entitled to receive notice in this case via ECF Notification or by U.S. Mail to the following parties on April 21, 2011:

DARCY RHAE JAIMEZ  
PO BOX 37, HELPER, UT 84526

ROBERT S. PAYNE, ECF Notification

CITIFINANCIAL AUTO LTD, C/O KIM R. WILSON, SNOW CHRISTENSEN & MARTINEAU, 10  
EXCHANGE PLACE 11TH FLOOR PO BOX 45000, SALT LAKE CITY, UT 84145

8

/s/

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Office of Chapter 13 Trustee